

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

DEFENDANTS' CORRECTED TRIAL EXHIBIT LIST

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure and the Court's Order Modifying the Pretrial Schedule (ECF No. 223), Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, "Defendants" or "Cox") hereby submit their corrected trial exhibit list attached hereto as **Exhibit A**.

Defendants state that the descriptions in this exhibit list are for organizational and identification purposes only and are not meant to be admissions, concessions, or a waiver of privilege. Some of the listed exhibits are admissible when offered by Defendants but are not admissible when offered by Plaintiffs. Thus, Defendants reserve the right to challenge and object to Plaintiffs' use of any exhibits on this list on any grounds, and, by including exhibits on this list, Defendants do not waive any objections to the admissibility of any exhibits.

Further, Defendants submit this list without waiving any of their rights, including but not limited to the right to: (1) amend or supplement this list; (2) use as an exhibit any pleading filed in this matter; (3) use as an exhibit any discovery response served in this matter; (4) use any exhibit submitted by Plaintiffs; (5) object to any exhibit submitted by Plaintiffs; (6) use additional exhibits to impeach a witness or in cross-examination of Plaintiffs or other adverse witnesses, or in rebuttal; (7) supplement or amend this list in light of any exhibits used in the briefing on summary judgment

or *Daubert* motions, or as circumstances change due to the Court's rulings during the remaining pre-trial period; (8) supplement or amend this list in light of any exhibit inadvertently omitted from this current list, or which comes to Defendants' attention after this filing, and for which reasonable notice is given to Plaintiffs; (9) correct any entry on the attached list that may contain inadvertent typographical errors or that fails to identify the complete bates range; (10) use as an exhibit the version of an identified document that was marked at a deposition in this case; (11) present an enlarged version of a document at trial; (12) present demonstrative exhibits or summaries of voluminous documents; and (13) to the extent a document identified on this last has been designated by Cox as either "Confidential" or "Highly Confidential – Attorneys' Eyes Only," pursuant to the Protective Order, Cox expressly reserves the right to maintain such designation, including through trial.

In addition, Defendants' list discloses a number of exhibits that may be subject to the Court's ruling on any forthcoming motions, including motions for summary judgment, *Daubert* motions, and motions *in limine*. Thus, Defendants reserve the right to challenge and object to Plaintiffs' use of any exhibits on this list on this ground as well.

Dated: August 29, 2019

Respectfully submitted,

/s/ Thomas M. Buchanan

Thomas M. Buchanan (VSB No. 21530)

WINSTON & STRAWN LLP

1700 K Street, NW

Washington, DC 20006-3817

Tel: (202) 282-5787

Fax: (202) 282-5100

Email: tbuchana@winston.com

*Attorney for Cox Communications, Inc.
and CoxCom, LLC*

Of Counsel for Defendants

Michael S. Elkin (*pro hac vice*)
Thomas Patrick Lane (*pro hac vice*)
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166-4193
Telephone: (212) 294-6700
Facsimile: (212) 294-4700
Email: melkin@winston.com
Email: tlane@winston.com

Jennifer A. Golinveaux (*pro hac vice*)
Thomas J. Kearney (*pro hac vice* pending)
WINSTON & STRAWN LLP
101 California Street, 35th Floor
San Francisco, CA 94111-5840
Telephone: (415) 591-1000
Facsimile: (415) 591-1400
Email: jgolinveaux@winston.com
Email: tkearney@winston.com

Diana Hughes Leiden (*pro hac vice*)
WINSTON & STRAWN LLP
333 S. Grand Avenue, Suite 3800
Los Angeles, CA 90071
Telephone: (213) 615-1700
Facsimile: (213) 615-1750
Email: dhleiden@winston.com

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2019, the foregoing was filed and served electronically by the Court's CM/ECF system upon all registered users.

/s/ Thomas M. Buchanan

Thomas M. Buchanan (VSB No. 21530)

1700 K Street, NW

Washington, DC 20006-3817

Tel: (202) 282-5787

Fax: (202) 282-5100

Email: tbuchana@winston.com

*Attorney for Cox Communications, Inc.
and CoxCom, LLC*